

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

RAUCH INDUSTRIES, INC.,)
)
Plaintiff,)
)
v.)
)
CHRISTOPHER RADKO, a/k/a)
CHRISTOPHER RADKOWSKI, a/k/a)
KRZYSZTOF RADKOWSKI,)
and NORTHSTAR Sp. z.o.o.,)
)
Defendants.)
)

Case No. 3:07-cv-197-RJC

TEMPORARY RESTRAINING ORDER

On September 7, 2007, this Court held oral argument on Plaintiff Rauch's motion for a Temporary Restraining Order pursuant to Fed. R. Civ. P. 65 against defendants Christopher Radko and Northstar Sp. Z.o.o. (Doc. No. 26). After hearing presentations from all parties this Court granted in part and denied in part the plaintiff's motion. What now follows is a written follow-up to the Court's oral order.

IT IS HEREBY ORDERED THAT Defendants Radko, Northstar, their respective officers, employees, agents, representatives and all persons in active concert or participation with them who receive actual notice of this Order shall cease and desist from or otherwise take the prescribed actions as follows:

1. Defendant Radko shall immediately cease and desist from all business competition with the plaintiff, including but not limited to the designing, manufacturing, importing, marketing, selling, and distributing of Christmas ornaments and related products in the United States and

Canada;

2. Defendant Radko shall cease and desist from all efforts to induce or attempt to induce any customer or any manufacturer, to withdraw, curtail or cancel its business with Rauch;

3. Defendants Radko and Northstar shall immediately cease and desist from using any “Christopher Radko” trademark and from making any false or misleading statements relating to plaintiff or its products;

4. Defendants Radko and Northstar shall immediately cease and desist from selling or advertising ornaments identical or substantially similar to the Christopher Radko® style ornaments;

5. Defendants Radko and Northstar shall immediately cease and desist from using any list(s) of Rauch’s customers in their possession and shall return them to Rauch, provided that the provision requiring return of such list(s) be stayed for 10 days from the date of this Order; and

6. Defendants Northstar and Radko shall immediately return all of the plaintiff’s product samples for 2008 in either the possession of Radko or Northstar. The defendants also shall return immediately all Rauch’s other property and copies thereof in Northstar’s possession, including without limitation Rauch’s product samples, plaster sculpts, metal molds, product designs and any other materials or works derivative of the Rauch designs, provided that this provision requiring return of such property be stayed for 10 days from the date of this Order.

IT IS FURTHER ORDERED that the Temporary Restraining Order will remain in force and effect for ten (10) days from the entry of the Court’s oral order – that being September 7, 2007 – unless otherwise extended or ordered by the Court. The defendants shall file and serve on Rauch’s counsel on or before Wednesday, September 12, 2007, any further opposition to Rauch’s request for a preliminary injunction. Rauch shall file and serve on the defendants’ counsel on or before Friday,

September 14, 2007, any reply to such opposition.

Signed: September 11, 2007

A handwritten signature in black ink, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
Chief United States District Judge

